UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.488
14 April 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD OF THE 488th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 September 1998, at 3 p.m.

Chairperson: Miss MASON

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kuwait (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-18482 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kuwait (CRC/C/8/Add.35; list of issues CRC/Q/1/KUW/1; written replies of the Government of Kuwait to the questions raised in the list of issues (document in Arabic only with no symbol); country analysis (CRC/C/A/KUW/1)) (continued)

At the invitation of the Chairperson, the members of the delegation of Kuwait resumed their places at the Committee table.

1. The CHAIRPERSON invited the members of the Committee to continue their discussion of the definition of the child (article 1 of the Convention) and of general principles (articles 2, 3, 6 and 12).

2. Mrs. MOKHUANE asked why the minimum age for marriage was different for girls and boys. Noting that, for the purposes of employment in the private sector, a "juvenile" meant anyone over 14 and under 18 years of age, she inquired how that provision was enforced. She considered that the age of criminal liability was too low since, at seven years of age, children had barely begun to develop the moral and psychological sense which made it possible for them to be genuinely responsible. Turning to the matter of non-discrimination, she asked whether women had the right to vote and to be elected to the National Assembly, if children born out of wedlock were discriminated against, what was the status of foreign workers, and how their recruitment was controlled.

3. Mr. KOLOSOV said that he was pleased to learn that, according to the answers provided by the delegation, the Government of Kuwait took pains effectively to protect the rights of children. Recalling that Kuwait had become a party to the Convention on the Elimination of All Forms of Discrimination against Women in 1994, he asked whether Kuwait had entered any reservations to that instrument and how it was applied. He urged the Government of Kuwait to consider becoming a party to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction. Lastly, he would like to know if there were any special laws on the legal status of foreigners and stateless persons.

4. Mrs. PALME said that she was concerned about the marriage age for girls, pointing out that early marriage could be harmful to their health. She inquired whether training in reproductive health and sex education was offered, and whether special efforts were made to reach young people in the isolated regions.

5. Mrs. OUEDRAOGO said that paragraph 13 of the initial report of Kuwait indicated that, according to the legislative texts, a child was defined as a person between the ages of 7 and 18. She wondered how children between birth and the age of seven were taken into account and feared that there might be a

legal vacuum in that respect. Had any provisions been adopted to punish violations of the anti-discrimination laws? She would also like to know more about the status of children born out of wedlock, in both legal and social terms. Recalling that the Committee on the Elimination of Racial Discrimination had recommended that Kuwait should ensure that victims of discrimination had recourse to the courts, she inquired what had been done in that area, particularly with regard to workers. Stressing the fundamental nature of the principle of respect for the views of the child, she asked what steps had been taken to ensure that the child would be treated as a subject of law under all circumstances: within the family, at school, and during legal proceedings. It was important for a child to participate in the making of all decisions that concerned him.

6. Mrs. MBOI urged the Government of Kuwait to consider raising the marriage age certainly for girls but also for boys. It was admittedly traditional in Muslim countries that girls should marry as soon as they reached puberty; it should nevertheless be emphasized that the physical and psychological development of girls did not end with puberty, and that early pregnancies ran the risk of putting an early end to childhood, with all the attendant consequences. Turning to the matter of non-discrimination, she said she would like further information on the situation of girls employed in domestic service, and on non-Muslim children, in terms of both law and, more particularly, practice.

7. Mrs. KARP said, with regard to the provisions permitting a judge to hear testimony from a child aged 14 or more, that Kuwait should consider lowering that age, since a child should have the right to give his views in all proceedings that concerned him. In cases of sexual violence, for instance, it was very important that a child should be able to speak freely and be heard as soon as possible. There also seemed to be a discrepancy between the end of compulsory education, at the age of 10, and the legal working age, which was 14. That problem might be rectified by extending compulsory schooling to the age of 14.

8. In her view, seven was far too young an age for criminal liability. Involving a child of seven in a criminal trial could have a destructive impact on his personality, whatever the protective measures adopted. The marriage age was also too low and was not in keeping with the spirit of the Convention, which sought above all to promote the child's development and ensure respect for his human dignity. Early marriage seemed to be particularly common in the Bedoon community; the Government should, perhaps, make an attempt to educate and raise the consciousness of that section of the population. She would also like to have some information on the age of consent to sexual relations and, in particular, on what constituted consent in the case of minors under the age of 16. Was the view held that, above a certain age, a child had the ability to refuse sexual relations and that under that age he was more vulnerable to pressure? What penalties were provided for persons who perpetrated sexual acts against minors in one or other of those cases?

9. Turning to the matter of non-discrimination, she inquired whether it was true that giving instruction in any religion other than Islam was prohibited in the schools. Furthermore, it appeared that children born of Kuwaiti mothers and foreign fathers did not have the right to Kuwaiti nationality,

whereas children born of non-Kuwaiti mothers and Kuwaiti fathers did, and that constituted discrimination. The system of jus sanguinis should be broadened to allow a Kuwaiti mother to transmit her nationality to her child. It would be useful to know whether a child's views were taken into account in divorce proceedings, as well as in those involving his placement with a guardian or in an institution. How were the best interests of the child established under the law? How were they taken into account by the courts? She would also like to know whether a child's right to privacy was protected, especially in the schools. Had any research been done into corporal punishment in the home? Was that type of punishment expressly forbidden in schools and social welfare institutions? In view of the fact that women lacked the right to vote and to be elected to public office, the question arose how the country intended to educate its children, and particularly its girls, in matters of social participation, when the basic building blocks of public participation had not been laid. Did a system exist by which children taught other children, with a view to cultivating a sense of autonomy?

10. Mr. RABAH asked whether Kuwaiti law in fact protected the rights of a child under the law, in school, in the family, and in other institutions. He would also like to know the minimum age for enlistment in the army in the event of armed conflict. It would likewise be useful to know what administrative departments were responsible for birth registration, what procedures they employed, and whether the children of foreigners living and working in Kuwait were subject to discrimination. Furthermore, did the Government exercise any control over work by children? Had it considered offering professional training to such children or taking measures to prevent them from falling into delinquency? He would also like further information concerning the 25,000 children in the care of the State. Finally, could children express themselves freely in school and at home? Could they lodge complaints in the case of ill-treatment? What measures were envisaged in that regard?

11. Mrs. MOKHUANE said that certain sources had indicated that the State was empowered to censure activities of a religious nature that were not associated with Islam. What was actually the case, seeing that the report stated that freedom of the press was guaranteed and that religious discrimination did not exist in Kuwait? Furthermore, it seemed that the Bedoon community and Palestinian children did not have the right to Kuwaiti nationality and thus did not enjoy the same rights as Kuwaiti citizens; and that the illiteracy rate was higher among women than among men. Further information on those subjects would be welcome.

12. Mrs. SARDENBERG, having endorsed the comments by Mrs. Karp, said she would like to know whether the portion of the budget allocated for children had increased or decreased. Like Mrs. Ouedraogo, she felt that it would be useful to compile all the legal texts concerning children into a children's code, which would facilitate the coordination and implementation of the relevant provisions. Noting that the Kuwaiti Constitution was not entirely compatible with the terms of the Convention, especially article 2, she recommended that the Government review its interpretation of non-discrimination. She would also like more information on the situation of women and girls, and on any programmes designed on their behalf. For instance, she wished to know whether it was true that preference was given to

male children and that female children were discriminated against in school, whether the Government was carrying out an awareness campaign to promote equality between the sexes and whether Kuwait had participated in the Beijing Conference.

The meeting was suspended at 3.55 p.m. and resumed at 4.10 p.m.

13. Mr. RAZZOOQI (Kuwait) said that, when Kuwait had ratified the Convention on the Rights of the Child, the Government had offered its interpretation of articles 7 and 21 but had not entered any reservations to any of the provisions contained therein. Replying to a question asked by Mr. Rabah, he said that the 25,000 children in question were legitimate children who had received inheritances on the deaths of their fathers, but who had not yet attained the age of majority. A public authority managed their fortunes, which were transferred to them when they came of age.

14. Turning to the question of women, he said that Kuwait had participated in the Beijing Conference and that women were represented at all levels of the administration and earned the same salaries as men. Although it was true that the Constitution did not accord them the right to vote, that topic was being debated in Parliament, which was expected to abolish that discriminatory custom in due course. As for the definition of the child, he wished to dispel any misunderstanding that might arise from a reading of paragraph 13 of the report: a "child" meant an individual from birth to the age of 18. It was merely a matter of time before Kuwait became a party to other international instruments; the Government preferred first to study the compatibility of certain provisions with domestic law.

15. Mrs. Muna AL-SALLAL (Kuwait), turning to the matter of education, said that school programmes were designed to foster aptitude in children, who participated in discussions on, inter alia, the development of programmes that concerned them. At the university level, students were consulted with regard to their courses of study. School and university open days, when parents, teachers, directors of educational institutions and pupils or students mingled freely, also favoured dialogue. Her Government devoted a great deal of effort to teaching the principles of democracy and to encouraging the free expression of individual views.

16. In addition, a follow-up card was kept for each pupil enrolled in a school managed by the Ministry of Education. The card made it possible to identify problems encountered by the pupils, and to consult parents where necessary. The Ministry of Education had also formulated a teaching strategy up to the year 2025, whose main aspects were high-quality teaching and the protection of the rights of the child, in conformity with the principles set out in the Convention. Furthermore, under Act No. 11 of 1965 on compulsory schooling, primary education was compulsory and free up to the age of 14, and secondary education up to the age of 16. The illiteracy rate was nevertheless still high, despite a slight decline in recent years, and her Government had launched a campaign to eliminate illiteracy by the year 2000. Accordingly, and in order to ensure that all children living on Kuwaiti soil received an education, the Government had authorized the establishment of schools in all Arab and non-Arab communities. There were 137 private Arab schools, which used the same curricula as the Government schools, and 154 foreign schools,

which employed a variety of teaching programmes. There were also parallel teaching institutions that addressed matters related to women and children and their rights (such as, for example, the specialized Centre for Mothers and Children).

17. Mrs. Nawal AL-SALLAL (Kuwait) said there was an agency which was responsible for licensing day-care centres, having first ensured that they met the requisite security standards. Every effort was likewise made to ensure that children would not be the victims of discrimination or intolerance. Ministerial Ordinance No. 73 of 1994 addressed the security of children in private day-care centres. There were also children's clubs for boys between the ages of 4 and 10 and girls up to the age of 14, which provided a range of activities aimed at encouraging self-expression. Kuwait actively supported all international initiatives to protect children against any and every form of ill-treatment. It had, consequently, become a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Charter on Arab Children's Rights and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The traffic in children and the sexual exploitation of children were crimes punishable by national law.

18. Mr. RAZZOOQI (Kuwait) said that, in Kuwait, military service was obligatory for all 18-year-old males. With regard to the various committees responsible for human rights matters, although each committee was independent, their programmes were to some extent coordinated. Those committees were: the Parliamentary Committee for the Defence of Human Rights, the Education Committee and the Committee on Human Rights (which was empowered to receive complaints, including those from children).

19. Mr. AL-JAFIN (Kuwait) confirmed that the minimum age for marriage continued to be 15 for girls and 17 for boys. A study carried out in 1997 had revealed that the maternal mortality rate had significantly dropped, and stood at 7 per 100,000 in 1996. According to the Kuwaiti Nationality Act, a child's nationality depended on that of the father. If, however, there were a divorce and the father left the country, the child retained his Kuwaiti nationality. There were 12,000 stateless children in Kuwait, most of whom came from neighbouring countries. They were often children whose parents had concealed their passports for the purpose of obtaining Kuwaiti citizenship for them. It was worth pointing out, however, that Kuwait had perfected its birth registration system, and had a computerized centre for the purpose. Each child received a birth certificate and an identity card. He then received the necessary vaccinations until the age of four and a half, when he entered the school system.

20. Kuwaiti legislation regarding the criminal liability of minors had been established in 1983 and was still in force. According to that legislation, children under the age of seven were not considered criminally liable, whatever the circumstances of the offence; but their parents or guardians might be required to answer for unlawful acts committed by them. Children between the ages of 7 and 15 were considered criminally responsible to the extent that they were deemed capable of discretion, but were liable only to rehabilitation or re-education measures. Young offenders between the ages of 15 and 18 could be subject to penal sanctions or to rehabilitation measures,

depending on the gravity of the offence committed and at the discretion of the juvenile judge. The Kuwaiti courts could, in any circumstances, invoke the provisions of the Convention, which had been an integral part of Kuwaiti domestic legislation since its ratification in 1991. Even before 1991, however, most of the rights and principles set forth in the Convention had been enforceable under Kuwaiti local and national legislation, which upheld the right of all persons to a fair trial.

21. Mr. AL-JAFIN (Kuwait) said that, under Kuwaiti law, any person aged 14 and over could give evidence on oath before the courts. The testimony of children under the age of 14 could, nevertheless, be used to corroborate facts being examined by the courts.

22. The Human Rights Unit of the Ministry of Justice, established by Ministerial Ordinance No. 15 of 1995, was made up of two main branches. The first branch received reports and communications concerning allegations of human rights violations from international governmental and non-governmental organizations and local organizations, and cooperated with all human rights organizations at the national and global levels in an effort to coordinate human rights policy. The second branch issued its views on the implementation of: international human rights instruments to which Kuwait was a party; the resolutions of international human rights bodies; and the relevant laws and regulations in force in Kuwait. The Convention on the Rights of the Child was thus monitored like all the other international instruments that Kuwait had ratified. Lastly, it was worth noting that racial discrimination was punishable under Kuwaiti law, which had incorporated the terms of the Convention on the Prevention and Punishment of the Crime of Genocide, which the country had ratified.

23. The CHAIRPERSON invited the members of the Committee to ask questions regarding paragraphs 22 to 30 of the list of issues.

24. Mrs. SARDENBERG said she had taken note of the positive developments mentioned by the delegation, particularly with regard to the exercise by women of their civil and political rights. She nevertheless wondered about the disparities that apparently still existed between the rural and urban areas, with regard to the exercise of rights set forth in the Convention, particularly in respect of education. She also wondered why Kuwait maintained the reservation it had entered concerning article 21 of the Convention, since article 20 expressly addressed the situation of those countries that did not recognize the principle of adoption. Lastly, she would like further information on the situation of the Bedoon community in Kuwait, including its living conditions and the access of its members to education.

25. Mrs. KARP asked whether the delegation was able to furnish concrete examples of cases in which the provisions of the Convention had been invoked by judges or lawyers before the Kuwaiti courts. What was the status of the movement to grant women the right to vote?

26. Recalling the basic principle of the Convention that the child was himself a subject of rights, she asked whether the Government of Kuwait intended to enact legislation making it possible for the views of a child to

be heard by an independent competent body if he considered his rights to have been violated. Did the Government plan to prohibit corporal punishment in both schools and the home?

27. Turning to the matter of non-discrimination, she inquired whether it was true that non-Kuwaitis were not entitled to free health care, and that their children were not permitted to attend public schools. Since 1993, increasing numbers of non-Kuwaitis had been dismissed from their jobs or expelled from the country by administrative order; she therefore wondered about the plight of their children. Why were more and more children of non-nationals coming into conflict with the law? Could it be the result of their precarious living conditions?

28. The CHAIRPERSON said that the Committee would take up the matter of special protection measures at its next meeting.

The meeting rose at 6 p.m.